

Byeong Kook Kim

Volume 1

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4

5 NICHIA CORPORATION,

6 Plaintiff,

7 vs. NO. 3:06-CV-0612

(MMC)(JCS)

8 SEOUL SEMICONDUCTOR, LTD.,

SEOUL SEMICONDUCTOR, INC.,

9

Defendants.

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12 DEPOSITION OF SEOUL SEMICONDUCTOR CO., LTD.

13 BY BYEONG KOOK KIM

14 WEDNESDAY, APRIL 4, 2007

15 VOLUME 1, PAGES 1-114

16

17 THIS TRANSCRIPT IS DESIGNATED HIGHLY CONFIDENTIAL

18 PURSUANT TO THE PROTECTIVE ORDER

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1 **REDACTED**

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3 Q. Do you know which of these choices is not

4 accurate?

5 A. So are you looking for my personal

6 knowledge in this?

7 Q. Yes.

8 A. Just by looking at these four choices, I

9 wouldn't know what the correct answer might be.

10 Q. If I understand your earlier testimony,

11 you're saying that this was -- Exhibit 173 was used

12 to test Seoul's sales personnel?

13 A. Yes.

14 Q. So were the salespeople trained by Seoul

15 to understand that the Seoul 902 series LED was

16 similar to Nichia's 335 LED?

17 MR AGARWAL: Object to the question as

18 vague.

19 THE WITNESS: Well, in your question, you

20 used the term "trained," and I just told you that

21 this is for testing purposes, and the way I see it, I

22 wonder if training is something that is different

23 from testing.

24 BY MR. KROSIN:

25 Q. Well, were Seoul's sales personnel

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1 supposed to understand that Seoul's 902 series LEDs
2 was similar to Nichia's 335 series LED?

3 MR AGARWAL: Object to the question as
4 vague.

5 THE WITNESS: When you say they're
6 supposed to understand that, does that, by any
7 chance, mean that they're required to understand
8 that? I mean, how am I supposed to understand your
9 question exactly?

10 BY MR. KROSIN:

11 Q. Well, if they said that the 902 LED was
12 not similar to the 335 LED, would they get that
13 question wrong?

14 MR AGARWAL: Objection. The question
15 mischaracterizes the document.

16 THE WITNESS: If I could hear the question
17 one more time, please?

18 BY MR. KROSIN:

19 Q. If one of the salespersons taking this
20 evaluation test answered question No. 2 by stating
21 that the 902 series LED was not similar to Nichia's
22 335 LED, would that be an incorrect answer?

23 MR AGARWAL: Objection. Calls for
24 speculation. If you have an answer, you may answer.

25 THE WITNESS: I apologize. I forget what

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2 I, the undersigned, a Certified Shorthand

3 Reporter of the State of California, do hereby

4 certify:

5 That the foregoing proceedings were taken

6 before me at the time and place herein set forth;

7 that any witnesses in the foregoing proceedings,

8 prior to testifying, were placed under oath; that a

9 verbatim record of the proceedings was made by me

10 using machine shorthand which was thereafter

11 transcribed under my direction; further, that the

12 foregoing is an accurate transcription thereof.

13 I further certify that I am neither

14 financially interested in the action nor a relative

15 or employee of any attorney of any of the parties.

16 IN WITNESS WHEREOF, I have this date subscribed my

17 name.

18

19 Dated:

20

21

22

DEIRDRE F. CRAM, RPR

23 CSR No. 9339

24

25

Byeong Kook Kim

Volume 2

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4

5 NICHIA CORPORATION,

6 Plaintiff,

7 vs. NO. 3:06-CV-0612

(MMC)(JCS)

8 SEOUL SEMICONDUCTOR, LTD.,

SEOUL SEMICONDUCTOR, INC.,

9

Defendants.

10 -----/

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12 CONTINUED 30(b)(6) DEPOSITION OF
13 SEOUL SEMICONDUCTOR CO., LTD. BY BYEONG KOOK KIM

14 THURSDAY, APRIL 5, 2007

15 VOLUME II, Pages 115-241

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1 THE WITNESS: When you say "where" in your
2 question, what do you mean by that?

3 BY MR. KROSIN:

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THE WITNESS: Well, as I indicated to you

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earlier, our company is not interested in finding out

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where those products are sold to. That was the

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answer that I gave you earlier.

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Now, your question -- your present

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question is asking me whether there is anyone in our

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company who would know about that. To that question,

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what I can say is that, occasionally, among the

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working level people, they might get to hear some

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information about that, although it might not be

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accurate. So some hearsay, they might have access

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to, as to where those products might be sold to.

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To that extent, they should have such

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information, but the answer that I gave you earlier

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was, in general, from our company's perspective, our

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company is not interested in finding out where

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products might be sold to, nor do we trace where the

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products might be sold in. So this would be my

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answer to your present question.

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BY MR. KROSIN:

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REDACTED

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14 THE WITNESS: My understanding is that

15 these LCD modules are made or manufactured mostly in

16 Asia, mostly in Korea, China and Taiwan. And the

17 members of our company would know where those

18 products are sold that, be that America or wherever,

19 that's something that we would not know.

20 (Deposition Exhibit No. 218 was marked

21 for identification.)

22 BY MR. KROSIN:

23 Q. Mr. Kim, Exhibit 218 is an e-mail dated

24 March 22, 2005, Bates number SSC 24001 through 24002.

25 Have you seen this document before?

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1 Has Seoul's GM team sold any 902s to
2 mobile phone companies?

3 MR. KROSIN: Objection to form. Asked and
4 answered.

5 THE WITNESS: Seoul's GM team has not sold
6 any 902s to any mobile phone companies.

7 BY MR. AGARWAL:

8 Q. Let me have you pull up Exhibit 206.

9 (Previously marked Exhibit 206 was
10 shown to the witness.)

11 BY MR. AGARWAL:

12 Q. Let me have you turn to what is marked at
13 SSC 2587. Counsel for Nichia asked you about this
14 page and pointed you to a column with the heading
15 "E-User."

16 A. Yes.

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18 **REDACTED**

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21 As part of responding to his question, you
22 noted to that question, "What I can say is that
23 occasionally, among the working-level people that
24 might get to hear some information about that,
25 although it might not be accurate. So some hearsay

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1 they might have access to as to where those products
2 might be sold. To that extent, they should have such
3 information, but the answer that I gave you earlier
4 was, in general, from our company's perspective, our
5 company is not interested in finding out where
6 products might be sold to, nor do we trace where the
7 product might be sold in."

8 My question is, what did you mean by
9 "hearsay"?

10 A. What I said was rumors, basically. So
11 it's a common expression for those would be rumors.

12 Q. And what do you mean by rumors or hearsay
13 among working-level people?

14 A. What I meant by that is that as the
15 members working on the working level are engaged in
16 their activities, they would get to hear these rumors
17 or hearsay. So this is something that cannot be
18 verified because it's not something that we got to
19 hear directly or officially from the company itself.

20 So, in that regard, it is not accurate,
21 and it's also changeable at any time. So that is why
22 I gave you that answer.

23 Q. Let me ask you look at Exhibit 219.

24 (Previously marked Exhibit 219 was
25 shown to the witness.)

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